

**BOROUGH OF WIND GAP
COUNTY OF NORTHAMPTON
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO. 514

AN ORDINANCE OF THE BOROUGH OF WIND GAP, NORTHAMPTON COUNTY, PENNSYLVANIA ESTABLISHING PARKING PROHIBITIONS THROUGHOUT THE BOROUGH AND ESTABLISHING ENFORCEMENT PROCEEDINGS AND PENALTIES FOR VIOLATIONS OF SUCH PARKING PROHIBITIONS

WHEREAS, the Borough of Wind Gap is a duly organized and existing municipality and political subdivision within the County of Northampton, Commonwealth of Pennsylvania with offices located at 545 East West Street, Wind Gap, Northampton County, PA 18091; and,

WHEREAS, pursuant to the Borough Code, the Borough has the authority to inter alia regulate streets [8 PA C.S.A. Section 1202(12)]; and,

WHEREAS, pursuant to the Borough Code, the Borough also has the authority to regulate or prohibit parking on streets within its physical boundaries pursuant to the Borough Code [8 PaC.S.A. Section 1202(31)(iii)]; and,

WHEREAS, pursuant to the Borough Code, the Borough also has the general authority under its police power to regulate for the health, safety and general welfare of the Borough [8 Pa C.S.A. Section 1202(5)]; and,

WHEREAS and because of the size and the population of the Borough, there exists within the Borough significant limitations on the amount of street parking available within the Borough; and,

WHEREAS and because of these limitations and in order to provide law enforcement with the ability to issue tickets and/or citations for various parking violations, the Borough has decided that certain parking restrictions on Borough Streets and Borough property are needed to protect against dangerous and unsafe conditions for Borough residents and the travelling public; and,

WHEREAS it is the intent of this Ordinance to establish such parking prohibitions, establish enforcement procedures and penalties for violation of the Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, AND IT IS HEREBY ORDAINED AND ENACTED, by the Borough of Wind Gap, County of Northampton and Commonwealth of Pennsylvania, as follows:

SECTION 1. All of the above recitals are herein incorporated by reference.

SECTION 2. No person shall park any motor vehicle outside of the marked spaces designated for any on-street parking space.

SECTION 3. No person shall park any motor vehicle within twenty (20') feet of a crosswalk or intersection.

SECTION 4. No person shall park any motor vehicle so as to obstruct a driveway preventing free and unfettered ingress, egress and regress.

SECTION 5. No person shall park any motor vehicle (without a permit) in or on any area of the Wind Gap Borough Park.

SECTION 6. No person shall park any motor vehicle on the sidewalk.

SECTION 7. No person shall park any motor vehicle against traffic or facing the opposite direction of travel.

SECTION 8. No person shall park any motor vehicle on a yellow line.

SECTION 9. No person shall park any motor vehicle within fifteen (15') of a fire hydrant.

SECTION 10. No person shall park any motor vehicle in violation of any street sign which prohibits parking in any designated location or on any designated events, days and/or times.

SECTION 11. No person shall park any motor vehicle on Borough streets unless the vehicle bears a currently valid registration issued by the Commonwealth of Pennsylvania pursuant to Chapter 13 of the PA Motor Vehicle Code (75 Pa.C.S.A. Section 1301 et seq.) unless said vehicle is exempt from such registration pursuant to Section 1302 of the PA Motor Vehicle Code (75 Pa.C.S.A. Section 1302) or unless said vehicle is currently registered in another state as provided in Section 1303 of the PA Motor Vehicle Code (75 Pa.C.S.A. Section 1303).

SECTION 12. No person shall park any motor vehicle on Borough streets unless the vehicle bears a currently valid inspection sticker issued by the Commonwealth of Pennsylvania pursuant to Chapter 47 of the PA Motor Vehicle Code (75 Pa.C.S.A. Section 4701 et seq.) or unless the vehicle bears a currently valid inspection sticker issued by another state.

SECTION 13. No person shall park any motor vehicle more than twelve (12") inches from a curb.

SECTION 14. No person shall park any recreational vehicle (regardless of size) which is designed for recreational or vacation or related uses upon a street within the Borough for more than a total of seventy two (72) consecutive hours.

SECTION 15. No person shall park any commercial motor vehicle (as that term is defined in the PA Motor Vehicle Code, 75 Pa.C.S.A. Section 1603) including trailers, semi-trailers, truck tractors and combinations (i.e. two or more vehicles able to be physically inter-connected in tandem) on any street within the Borough.

a. Notwithstanding the above section, commercial motor vehicles, trailers, semi-trailers, truck tractors and combinations may be parked for the purpose of picking up or delivering goods, wares, merchandise, people or providing reasonable and necessary services to any premises located upon a street except in no case shall such vehicle be parked for any purpose for more than a total of four (4) consecutive hours.

SECTION 16. No person shall park any motor vehicle within a designated handicapped parking space unless the vehicle shall conspicuously display a handicapped placard duly issued by the Commonwealth of Pennsylvania or other legal authority.

SECTION 17. The enforcement of this ordinance shall be by the Slate Belt Regional Police Department (SBRPD) and such enforcement shall proceed as follows:

(i) An authorized officer of the SBRPD shall issue a parking ticket for any violation of this ordinance and the penalties for such ticket are as follows:

- Parking outside of the marked spaces designated for any on-street parking space-Ten (\$10.00) Dollars.

- Parking within twenty (20') feet of a crosswalk or intersection-Fifteen (\$15.00) Dollars.

- Parking so as to obstruct a driveway-Fifteen (\$15.00) Dollars.

-Parking (without a permit) in or on any area of the Wind Gap Borough Park-Fifteen (\$15.00) Dollars.

-Parking on the sidewalk-Fifteen (\$15.00) Dollars.

-Parking against traffic or facing the opposite direction of travel-Fifteen (\$15.00) Dollars.

-Parking on a yellow line-Fifteen (\$15.00) Dollars.

-Parking within fifteen (15') of a fire hydrant-Fifteen (\$15.00) Dollars.

-Parking in violation of any street sign-Fifteen (\$15.00) Dollars.

-Parking an Uninspected Vehicle-Ten (\$10.00) Dollars

-Parking an Unregistered Vehicle-Ten (\$10.00) Dollars

-Parking more than twelve (12") inches from the curb-Fifteen (\$15.00) Dollars

- Parking of recreational vehicles over seventy two (72) consecutive hours: Fifty (\$50.00) Dollars

-Parking of commercial motor vehicles, trailers, semi-trailers, truck tractors and combinations over four (4) consecutive hours: Ten (\$10.00) Dollars

(ii) The parking ticket shall be paid within ten (10) calendar days from the date the ticket was issued. If so timely paid, no other costs or fines shall be imposed for a parking violation under this Ordinance

(iii) If the parking ticket is not so paid within said ten (10) days, a Traffic Citation shall issue and shall constitute and proceed as a summary offense and prosecution for such offense shall be in accordance with the practice and procedure in such summary cases. In such proceeding, the fine to be imposed shall be at the discretion of the Magisterial District Judge (but not to exceed Three Hundred [\$300.00] Dollars) and

imprisonment not to exceed then (10) days or both. In addition, all costs may also be imposed upon the Defendant.

(iv) In addition to proceeding by way of a summary offense, the Borough shall also retain the right to institute by an appropriate action or proceeding, whether at law or in equity or both, any lawsuit or injunction to prohibit, prevent, restrain, correct, abate such violations. These civil remedies are cumulative to the summary offense remedy noted above.

(v) Any act, or failure to act, shall be considerate a separate offense for each day of the violation continues and may be prosecuted as such.

(vi) While the Borough is not unmindful that a person may operate a motor vehicle owned by another, it is the owner (if the vehicle is registered, then the registered owner) of the motor vehicle who will be ticketed and/or cited under this Ordinance on the basis that an owner of a motor vehicle-excluding an unauthorized use or theft-is responsible for the use and operation of his/her motor vehicle by another person.

SECTION 18. Definitions

(i) "Motor Vehicle" shall mean all vehicles and trailers including (by way of example and not by way of limitation) passenger automobiles, trucks, buses, public and private transportation, and any motorized conveyances of any type using any streets within the municipal limits of the Borough.

(ii) "Person" shall mean any individual, corporation, partnership, limited liability partnership, limited liability company, association, joint venture, firm or any other group or entity.

(iii) "Recreational Vehicles" shall include (but are not limited to) campers, pickup coaches, travel trailers, fifth wheels, motor homes, buses and boats.

(iv) "Street" shall mean any road, highway, alley or other by-way within the Borough.

(v) "Costs" shall mean all expenses incurred by the Borough in prosecuting the case including but not limited to administration fees, filing fees, stenographic transcript charges, witness fees, whether lay or expert and reasonable attorney's fees.

SECTION 19. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the Borough of Wind Gap that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 20. The terms, conditions and provisions of any other Borough ordinances or resolutions which are inconsistent herewith shall be deemed vacated and/or repealed; but, any other terms, conditions and provisions of that or any other Borough ordinance which are not inconsistent herewith shall remain in full force and effect.

SECTION 21. The Borough of Wind Gap and/or its servants, agents, officers, elected or appointed officials, councils, boards, committees, employees or representatives shall not, under any circumstances, be liable or responsible for damages (whether property, personal injury and/or death) caused to or suffered by any person or entity by reason of the provisions of this ordinance or by reason of the conduct of any on-street parking in compliance (or non-compliance) with the terms,

conditions and provisions hereof. Moreover, compliance with this ordinance shall not constitute a representation, guarantee or consent of any kind by the Borough (and/or any of its servants, agents, officers, elected or appointed officials, councils, boards, committees, employees or representatives) of the practicality, safety or fitness of any particular purpose of any kind regarding on-street parking (or the prohibitions against same) pursuant to this ordinance.

ORDAINED AND ENACTED into an Ordinance this 6th day of December , 2021.

ATTEST:

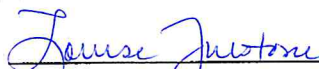
BOROUGH OF WIND GAP


Louise Firestone, Borough Manager

By: 
David A. Hess, President

APPROVED this 6th day of December , 2021.

ATTEST:


Louise Firestone, Borough Manager

By: 
Mitch Mogilski, Mayor